

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

ALFORD K. HOWARD

PLAINTIFF

V.

NO: 2:06CV132-GHD-EMB

DESOTO COUNTY SHERIFF'S DEPT., ET AL.

DEFENDANTS

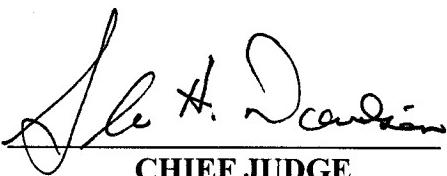
ORDER DISMISSING COMPLAINT

On consideration of the file and records in this action, a hearing having been conducted by the magistrate judge pursuant to 28 U.S.C. §636(b)(1)(B), Local Rule 72.D and *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), the Court finds that the Report and Recommendation of the United States Magistrate Judge dated November 3, 2006, was on that date duly served by regular mail upon the *pro se* plaintiff; that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by any party. The Court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated November 3, 2006, is hereby approved and adopted as the opinion of the Court.
2. That plaintiff's claims against the DeSoto County Sheriff's Dept. and Albert Riley are hereby dismissed **DISMISSED** with prejudice for failure to state a claim.
3. That this case is referred to the magistrate judge for further proceedings not inconsistent with this order.

THIS, the 27th day of November, 2006.


LEE H. JORDAN
CHIEF JUDGE